

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 16 April 2003

Division: Growth Management

Bulk Item: Yes X No

Department Marine Resources

AGENDA ITEM WORDING:

Approval of an amendment to FDEP Grant Agreement LP0337 between Monroe County and the Florida Department of Environmental Protection, providing for wastewater funds under Specific Appropriation 1765A of the 2002-2003 State budget.

ITEM BACKGROUND:

Paragraph 2. of Grant Agreement LP0337 specifies that upon satisfactory completion of all conditions of the grant scope of work, an amendment to the Agreement would take place allowing for disbursement of grant funds. This grant amendment is specific to Attachment A. Section C. 1., North Key Largo Utility. North Key Largo Utility has satisfactorily completed all components under the grant as one of the County's sub-grantees. Key West Resort Utility (KWRU) has submitted all documentation, but clarifications have been requested from FDEP. We expect that these clarifications will be made during the week of March 4th, but not in time for the March BOCC agenda. A specific Amendment for KWRU should appear on the April BOCC agenda.

PREVIOUS RELEVANT BOCC ACTION:

January 15, 2002 – approval of Grant Agreement LP0337

CONTRACT/AGREEMENT CHANGES:

Approves disbursement of funds under Grant Agreement LP0337

STAFF RECOMMENDATIONS;

Approval

TOTAL COST: \$987,586

BUDGETED: Yes X No

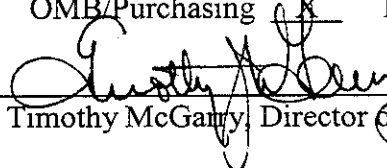
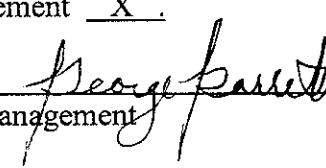
COST TO COUNTY: None

SOURCE OF FUNDS: NA

REVENUE PRODUCING: Yes No X AMOUNT Per Month Year

APPROVED BY: County Atty X OMB/Purchasing X Risk Management X

DIVISION DIRECTOR APPROVAL:

 Timothy McGarry, Director of Growth Management 

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM NO.: T4

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

CONTRACT SUMMARY

Contract with: FDEP Contract # LP0337
 Effective Date: ASAP
 Expiration Date: May 31, 2003

Contract Purpose/Description:

Amendment to FDEP Grant Agreement LP0337 between Monroe County and the Florida Department of Environmental Protection, providing for wastewater funds under Specific Appropriation 1765A of the 2002-2003 State budget.

Contract Manager: George Garrett 2507 Marine Resources / 11
 (Name) (Ext.) (Department/Stop #)

for BOCC meeting on 4/16/03 Agenda Deadline: NA 3/27/03

CONTRACT COSTS

Total Dollar Value of Contract: \$ _____ Current Year Portion: \$ 987,586
 Budgeted? Yes ☒ No ☐ Account Codes: Unknown- _____
 Grant: \$ 987,586 _____
 County Match: \$ 0 _____

ADDITIONAL COSTS

Estimated Ongoing Costs: \$NA/yr For: NA
 (Not included in dollar value above) (eg. maintenance, utilities, janitorial, salaries, etc.)

CONTRACT REVIEW

	Date In	Changes Needed	Reviewer	Date Out
Division Director	<u>3/25/03</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>3/25/03</u>
Risk Management	<u>3/12/03</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>3/12/03</u>
O.M.B./Purchasing	<u>3/13/03</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>[Signature]</u>	<u>3/18/03</u>
County Attorney	<u>3/12/03</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>3-12-03</u>

Comments: Funding for Key West Resort Utility
needs to be addressed
[Signature]

**STATE FINANCIAL ASSISTANCE AGREEMENT
MONROE COUNTY
DEP AGREEMENT NO. LP0337
AMENDMENT NO. 1**

**STATE OF FLORIDA GRANT ASSISTANCE
PURSUANT TO SPECIFIC APPROPRIATION 1765A OF THE 2002 - 2003 GENERAL
APPROPRIATIONS ACT (CHAPTER 2002-334, LAWS OF FLORIDA)**

This Amendment No. 1 is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as "Department") and MONROE COUNTY (hereinafter referred to as "Grantee" or "Recipient" or "Contractor"), the address for which is Gato Building, 1100 Simonton Street, Key West, Florida 33040, existing as a local government agency under the laws of the State of Florida.

WHEREAS, the Department and the Recipient entered into a Grant Agreement providing for amendment upon completion of certain Project Work and such activity for the North Key Largo Utility Corporation has been completed satisfactorily; and

WHEREAS, the Recipient is entitled to grant funds in the amount of \$987,586 for North Key Largo Utility Corporation Project Work.

THEREFORE, in consideration of the mutual benefits to be derived herefrom, the Department and the Recipient do hereby agree as follows:

1. The Grantee shall perform in accordance with the terms and conditions set forth in the original Agreement and this Amendment, and all attachments and exhibits named which are attached thereto or hereto, respectively, and incorporated by reference. The attached **Attachment A - Revised** (Project Work Plan) supersedes the version of **Attachment A** incorporated into the original Agreement. There is no change to **Attachment B** as originally issued.
2. The Grantee shall not subcontract, assign, or transfer any construction services or equipment/material procurement work to be funded under this Agreement as amended without the prior written consent of the Department's Grant Manager. The Department specifically consents to subcontracting with North Key Largo Utility Corporation and associated lower tier subcontractors including United Engineering Corporation, Boyle Engineering Corporation, Florida Keys Aqueduct Authority, and William Stephenson, P.E. The Grantee agrees to be responsible for the fulfillment of all work elements included in any subcontract and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Grantee that the Department shall not be liable to any subcontractor for any expenses or liabilities incurred, and that the Grantee shall be solely liable to any subcontractor for all expenses and liabilities incurred under the subcontract.
3. Grant funds shall be disbursed to the Recipient on a cost reimbursement basis no more frequently than monthly for all eligible project costs upon receipt and acceptance by the Department of properly completed Disbursement Request Forms (provided as

Attachment C). Documentation shall be provided establishing that a Professional Engineer was responsible for overseeing construction. The Grantee shall maintain records of sufficiently itemized invoices for the materials, labor, or services to identify the nature of the work performed; the cost or charges for such work; and the person or entity providing the service or performing the work.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be duly executed, the day and year last written below.

MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

By: _____
Mayor/Chairperson

By: *James D. [Signature]*
Director, Division of Water
Resource Management

Date: _____

Date: 3-12-03

FEID No.: 59-6000749

Attest:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: *[Signature]*
ROBERT N. WOLFE
DATE 3-26-03

By: _____

List of attachments/exhibits included as part of this amended Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
<u>Attachment</u>	<u>A-Revised</u>	<u>Project Work Plan (1 Page)</u>
<u>Attachment</u>	<u>B</u>	<u>Audit Requirements (5 Pages)</u>
<u>Attachment</u>	<u>C</u>	<u>Disbursement Request Forms (3 pages)</u>

ATTACHMENT A - REVISED
MONROE COUNTY
North Key Largo Utility Corporation Wastewater Management System

A. PROJECT BUDGET INFORMATION

PROJECT BUDGET					
Category of Expenditure	DEP Funds			Other Funds	Total Funding
	FY 02/03	FY 03/04	FY 04/05		
Design	\$ 0	\$ 0	\$ 0	\$ 190,547	\$ 190,547
Construction	\$ 987,586	\$ 0	\$ 0	\$ 1,906,914	\$ 2,894,500
Tech. Services during Construction	\$ 0	\$ 0	\$ 0	\$ 71,926	\$ 71,926
Other	\$ 0	\$ 0	\$ 0	\$	\$
TOTAL	\$ 987,586	\$ 0	\$ 0	\$ 2,169,387	\$ 3,156,973

B. SCOPE OF PROJECT WORK:

A vacuum station and vacuum sewer extensions are to be constructed for the North Key Largo Utility Corporation. The facilities to be constructed will provide for decommissioning existing individual on-site wastewater treatment and disposal systems. Wastewater treatment and disposal will be provided at the existing facility serving the Utility.

C. PROJECT SCHEDULE – Submit all disbursement requests no later than May 15, 2003.

ATTACHMENT C
Disbursement Request Forms – Disbursement Details

1. Grantee/Recipient _____
 2. Project Number LP0337 Date of Request _____
 3. Disbursement Request Number _____ Required Match % NONE
 4. Type of Request: Partial ☐ Final ☐
 5. Federal Employer Identification Number _____
 6. Mail ☐ EFT ☐ Send Remittance to: _____
- _____
- _____
- _____

Disbursement Details

(cumulative amounts rounded to the nearest dollar)

1. Construction \$ _____
2. Technical Services during Construction \$ NONE INCLUDED
3. Total Cumulative to Date \$ _____
4. Disbursements Previously Requested \$ _____
5. Amount Requested for Disbursement
(Line 3 minus Line 4) \$ _____

**** SUBMIT ONE ORIGINAL COPY OF THIS FORM AND SUPPORTING DOCUMENTATION TO:**

**Florida Department of Environmental Protection
Bureau of Water Facilities Funding MS 3505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400**

ATTACHMENT C
Disbursement Request Forms -Grant Manager's Certification

I, _____,
(name of Grant Manager designated in the Agreement)

on behalf of _____, do hereby certify that:

(name of Grantee/Recipient)

1. The disbursement amount requested on page 1 of this form is for allowable costs for the Project described in the Agreement.
2. Materials, labor, equipment, and/or services representing costs included in the amount requested have been satisfactorily purchased, performed or received, and applied toward completing the project; such costs are documented by invoices or other appropriate documentation which are filed in the Grantee's permanent records.
3. The Grantee is required to pay such costs under the terms and provisions of contracts relating directly to the Project, and the Grantee is in compliance with all terms or provisions of the contracts.
4. All funds received to date under the Agreement have been applied toward completing the project.
5. All permits and approvals required for the construction have been obtained.
6. Any changes in State or Federal funding (since the effective date of the Agreement) have been identified in writing to the Department or are identified on the attachment hereto. (Attachment included: Yes ☐ No ☐)

(Signature of Grant Manager)

(Date)

**** SUBMIT ONE ORIGINAL COPY OF THIS FORM AND SUPPORTING DOCUMENTATION TO:**

Florida Department of Environmental Protection
Bureau of Water Facilities Funding MS 3505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

ATTACHMENT C
Disbursement Request Forms - Engineer's Certification

I, _____, being the Professional Engineer retained by
(name of Professional Engineer)
_____, am responsible for overseeing construction of the
(name of Grantee/Recipient)
project described in the Agreement and do hereby certify that:

1. Equipment, materials, labor, and services represented by the construction invoices have been satisfactorily purchased or received and applied to the project in accordance with construction contract documents submitted to the Department of Environmental Protection's Bureau of Water Facilities Funding;
2. Payment is in accordance with construction contract provisions;
3. Adequate construction supervision was provided;
4. Construction was in compliance with the contract documents;
5. All changes, additions, or deletions to the construction contract(s) have been documented by change order; and
6. All additions or deletions to the Project which have altered the performance standards, scope, or purpose have been identified in writing to the Department or are identified on the attachment hereto. (Attachment included: Yes ☐
No ☐)

Signature of Professional Engineer

Firm or Affiliation

(Date)

(P.E. Number)

**** SUBMIT ONE ORIGINAL COPY OF THIS FORM AND SUPPORTING DOCUMENTATION TO:**

**Florida Department of Environmental Protection
Bureau of Water Facilities Funding MS 3505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400**